MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2022/2023

USL2612 SPORTS LAW

(All Sections / Groups)

06 OCTOBER 2023

Reading Time: 9.00am- 9.15am
Answering Time: 9.15am- 12.15pm
(3 Hours 15 Minutes)

INSTRUCTIONS TO STUDENTS

1. Students will have fifteen minutes during which they may read the paper and make rough notes ONLY on their question paper. Students then have the remaining THREE HOURS in which to answer the questions.
2. This Question paper consists of 2 pages with 4 Questions only.
3. Attempt **one (1)** question from **Part A**. Answer all questions from **Part B**. All questions carry equal marks and the distribution of the marks for each question is given.
4. Please write all your answers in the Answer Booklet provided.

PART A

ANSWER ONE (1) QUESTION

QUESTION 1A

The terms "trademark merchandising", "promotional merchandising" and "merchandised products" have been defined as "promotion of sales (of products) by advertising and publicity" or as "sales promotion" that could include "market research, development of new products, coordination of manufacture and marketing, and effective advertising and selling.

With reference to legislation and case laws, discuss the types of merchandising that are generally specific to sports.

(Total: 25 marks)

QUESTION 1B

Anti-doping is a complex system that requires carefully crafted laws and regulations to ensure fairness and equity to individual sportspersons.

Legal issues such as the burden of proof, the proportionality of sanctions and/or punishment and the culpability of the accused sportsperson must be adhered to by the anti-doping agency.

Explain the types of tests conducted in sports and the methods of establishing facts and presumptions in arriving at a decision.

(Total: 25 marks)

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PART B (COMPULSORY)

ANSWER ALL QUESTIONS

QUESTION 2

Ashley is a professional football player playing as a striker for Selangor FA which was leading in the Super League Malaysia in the 2022-2023 season.

In a match against the lowly-rated Sarawak Rangers Football Club, Selangor FA lost 0-3 and the blame was attributed to Ashley who played badly that day.

Two days later a Malaysian tabloid reported that Ashley had taken a bribe from a well-known syndicate to lose the match. Based on this report the police investigated and found that the illegal bookies had bet heavily on Selangor losing the match. According to some of the team members, Ashley had told them to 'go easy' on Sarawak Rangers FC which led to some players not giving their best that day.

Explain the laws related to match fixing in Malaysia in relation to Ashley's involvement and the issue of defamation related to this case.

(Total: 25 marks)

QUESTION 3

During a football match, Jo Nathan suffered a broken leg after a challenge from the midfielder Abbas of the opposing team. Joe Nathan initiated a legal action against Abbas claiming that the defendant was unduly reckless, which caused him the injury that resulted in the demise of his professional career.

As a judge, examine the various factors that may indicate tortious liability in sports, in personal injury in the above incident and the possible defences of the defendant.

(Total: 25 marks)

QUESTION 4

Chen Long An was suspended for six months and fined RM2,000 by the Badminton Association of Malaysia (BAM) Disciplinary Committee on 23 February 2023, for criticising the national body in a public forum.

Explain the procedures that are followed by the Disciplinary Committee under Section 26 of the Sports Development Act 1997 (SDA), including the reasoning in deciding the outcome of this case.

(Total: 25 Marks

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